

AMENDED IN ASSEMBLY MAY 10, 2010
AMENDED IN ASSEMBLY APRIL 20, 2010
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AMENDED IN ASSEMBLY APRIL 5, 2010
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CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1647

Introduced by Assembly Members Hayashi and Hill
(Coauthors: Assembly Members Ammiano, Bass, Beall, Buchanan,
Coto, Davis, Fletcher, Furutani, Galgiani, Huffman, Lieu,
Bonnie Lowenthal, Ruskin, Saldana, Smyth, and Solorio)
(Coauthor: Senator Strickland)

January 13, 2010

An act to add Chapter 2.7 (commencing with Section 18898) to Division 8 of the Business and Professions Code, and to add Sections 33355 and 49475 to the Education Code, relating to athletics.

LEGISLATIVE COUNSEL'S DIGEST

AB 1647, as amended, Hayashi. Athletics.

(1) Existing law provides for the regulation of various professions and vocations, including those of an athlete agent.

This bill would make it unlawful for any person to hold himself or herself out as an athletic trainer unless he or she has *been certified by the Board of Certification, Inc., and has either* graduated from a college or university, after completing an accredited athletic training education program, as specified, *or* completed requirements for certification by

the Board of Certification, Inc., prior to January 1, 2004, ~~or been certified by the Board of Certification, Inc.~~ The bill would prohibit an athletic trainer from engaging in athletic training activities unless pursuant to protocols developed by a physician and surgeon for that athletic trainer. The bill would make it an unfair business practice to violate these provisions.

(2) Existing law authorizes school districts to provide specified medical services in connection with athletic events that are under the jurisdiction of, or sponsored or controlled by, school districts. These services include medical or hospital insurance for pupils injured while participating in athletic activities and ambulance service for pupils, instructors, spectators, and other individuals in attendance at athletic activities.

This bill, ~~commencing July 1, 2014,~~ would provide that if a school district elects to offer any interscholastic athletic programs, the school district would be required to comply with certain requirements, including *(A) immediately removing from a school-sponsored athletic activity a high school athlete who is suspected of sustaining a concussion or head injury during that activity, (B) commencing July 1, 2011, ensuring that there is a written action plan available that describes the procedures to be followed in the event of any emergency that occurs in connection with a school-sponsored athletic activity, and (C) commencing July 1, 2014, acquiring an automatic external defibrillator, to be made available at school-sponsored athletic activities,* ~~immediately removing from an activity a high school athlete who is suspected of sustaining a concussion or head injury during an athletic competition, and ensuring that there is a written action plan available that describes the procedures to be followed in the event of any emergency that occurs in connection with an athletic activity.~~

(3) Existing law grants the State Department of Education certain authority over interscholastic athletics, including the authority to state that the policies of school districts, of associations or consortia of school districts, and of the California Interscholastic Federation, concerning interscholastic athletics, are in compliance with both state and federal law.

This bill would require the department to adopt a heat-acclimatization program established by the National Athletic Trainers' Association or other similarly recognized organization, and to make this program available to school districts through its Internet Web site or other means.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Over 125 middle school and high school athletes died in
4 2008 and 2009, including 18 in California, and another 40 sustained
5 catastrophic, life-altering injuries. Many of these deaths and injuries
6 could have been prevented or mitigated if proper procedures were
7 employed.

8 (2) According to the National Center for Catastrophic Sport
9 Injury Research (NCCSIR), approximately 7.5 million pupils
10 participate in high school athletics each year.

11 (3) The NCCSIR also estimates that 2 million injuries occur
12 each year, including approximately 1 million injuries that result
13 in the loss of at least one week of activity.

14 (4) Historically, over 60 pupils per year are killed or suffer
15 catastrophic injuries, such as permanent paralysis, as the result of
16 spinal cord injury.

17 (b) It is therefore the intent of the Legislature to enact legislation
18 that will decrease the number of deaths and catastrophic injuries
19 sustained by California pupil athletes, with the focus on the most
20 common types of injuries and illnesses that result in life-threatening
21 injuries and deaths, including sudden cardiac death, traumatic brain
22 injury, and heat illness.

23 SEC. 2. Chapter 2.7 (commencing with Section 18898) is added
24 to Division 8 of the Business and Professions Code, to read:

25
26 CHAPTER 2.7. ATHLETIC TRAINERS
27

28 18898. (a) No person shall hold himself or herself out to be
29 an athletic trainer unless he or she has done any of the following:

30 (1) ~~Graduated from a college or university after completing an~~
31 ~~athletic training education program accredited by the Commission~~
32 ~~on Accreditation of Athletic Training Education, or its predecessors~~
33 ~~or successors.~~

34 (2) ~~Completed requirements for certification by the Board of~~
35 ~~Certification, Inc., prior to January 1, 2004.~~

~~(3) Been certified by the Board of Certification, Inc. an athletic trainer unless he or she meets the following requirements:~~

~~(1) He or she has done either of the following:~~

~~(A) Graduated from a college or university after completing an athletic training education program accredited by the Commission on Accreditation of Athletic Training Education, or its predecessors or successors.~~

~~(B) Completed requirements for certification by the Board of Certification, Inc., prior to January 1, 2004.~~

~~(2) He or she has been certified by the Board of Certification, Inc.~~

(b) An athletic trainer shall engage in athletic training activities only pursuant to protocols developed for that athletic trainer by a physician and surgeon licensed by the Medical Board of California or an osteopathic physician and surgeon licensed by the Osteopathic Medical Board of California.

(c) It is an unfair business practice within the meaning of Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 for any person to use the title of “athletic trainer” or “certified athletic trainer” or any other term, such as “licensed,” “registered,” or “ATC,” that implies or suggests that the person is certified as an athletic trainer, if the person does not meet the requirements of subdivision (a) and engages in athletic trainer activities pursuant to subdivision (b).

SEC. 3. Section 33355 is added to the Education Code, to read: 33355. The department shall adopt a heat-acclimatization program established by the National Athletic Trainers’ Association or other similarly recognized organization and shall make this program available to school districts through its Internet Web site or other means.

~~SEC. 4. Section 49475 is added to the Education Code, to read: 49475. (a) Commencing July 1, 2014, if a school district elects to offer any interscholastic athletic programs, the school district shall comply with all of the following:~~

~~(1) The governing board of a school district shall acquire an automatic external defibrillator (AED) for pupils, instructors, spectators, and other individuals in attendance at extracurricular athletic competitions under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any school of the district.~~

1 ~~(2) The governing board of a school district shall ensure that~~
2 ~~an AED is available to trained personnel during all athletic~~
3 ~~activities under the jurisdiction of, or sponsored or controlled by,~~
4 ~~the district or the authorities of any school of the district.~~

5 ~~(3) A high school athlete who is suspected of sustaining a~~
6 ~~concussion or head injury in a school-sponsored athletic activity~~
7 ~~shall be immediately removed from the activity and shall not be~~
8 ~~permitted to return to the activity until he or she is evaluated by a~~
9 ~~licensed physician and surgeon, osteopathic physician and surgeon,~~
10 ~~or athletic trainer trained in the management of concussions~~
11 ~~pursuant to Chapter 2.7 (commencing with Section 18898) of~~
12 ~~Division 8 of the Business and Professions Code. If an athletic~~
13 ~~trainer refers an athlete suspected of sustaining a concussion to a~~
14 ~~licensed physician and surgeon or an osteopathic physician and~~
15 ~~surgeon, that athlete shall not be permitted to return to the activity~~
16 ~~until he or she receives written clearance to return to the activity~~
17 ~~from that licensed physician and surgeon or osteopathic physician~~
18 ~~and surgeon.~~

19 ~~(4) The governing board of the school district shall ensure that~~
20 ~~there is a written emergency action plan available that describes~~
21 ~~the procedures to be followed in the event of any emergency that~~
22 ~~occurs in connection with an athletic activity.~~

23 ~~(b) (1) Commencing on July 1, 2014, in order to ensure public~~
24 ~~safety, a school district that acquires an AED is not liable for any~~
25 ~~civil damages resulting from any acts or omissions in the rendering~~
26 ~~of emergency care under subdivision (b) of Section 1714.21 of the~~
27 ~~Civil Code if that school district has complied with subdivision~~
28 ~~(b) of Section 1797.196 of the Health and Safety Code.~~

29 ~~(2) Commencing on July 1, 2014, an employee of a school~~
30 ~~district who in good faith renders emergency care or treatment by~~
31 ~~the use of an AED at the scene of an emergency is not liable for~~
32 ~~any civil damages resulting from any acts or omissions in the~~
33 ~~rendering the emergency care. This protection does not apply in~~
34 ~~any case of personal injury or wrongful death that results from the~~
35 ~~gross negligence or willful or wanton misconduct of any employee~~
36 ~~of a school district who renders emergency care or treatment by~~
37 ~~the use of an AED.~~

38 ~~SEC. 4. Section 49475 is added to the Education Code, to read:~~

1 49475. *If a school district elects to offer any interscholastic*
2 *athletic programs, the school district shall comply with all of the*
3 *following:*

4 (a) *A high school athlete who is suspected of sustaining a*
5 *concussion or head injury in a school-sponsored athletic activity*
6 *shall be immediately removed from the activity and shall not be*
7 *permitted to return to the activity until he or she is evaluated by*
8 *a licensed physician and surgeon, osteopathic physician and*
9 *surgeon, athletic trainer trained in the management of concussions*
10 *pursuant to Chapter 2.7 (commencing with Section 18898) of*
11 *Division 8 of the Business and Professions Code, or licensed health*
12 *care provider, trained in the management of concussions, acting*
13 *within the scope of his or her practice. If an athlete suspected of*
14 *sustaining a concussion is referred by an athletic trainer to a*
15 *licensed physician and surgeon, an osteopathic physician and*
16 *surgeon, or licensed health care provider, trained in the*
17 *management of concussions, acting within the scope of his or her*
18 *practice, that athlete shall not be permitted to return to the activity*
19 *until he or she receives written clearance to return to the activity*
20 *from a licensed physician and surgeon, osteopathic physician and*
21 *surgeon, or licensed health care provider, trained in the*
22 *management of concussions, acting within the scope of his or her*
23 *practice.*

24 (b) *Commencing July 1, 2011, the governing board of a school*
25 *district shall ensure that there is a written emergency action plan*
26 *available that describes the procedures to be followed in the event*
27 *of any emergency that occurs in connection with a*
28 *school-sponsored athletic activity.*

29 (c) (1) *Commencing July 1, 2014, the governing board of a*
30 *school district shall acquire an automatic external defibrillator*
31 *(AED) to be used by trained personnel to assist pupils, instructors,*
32 *spectators, and other individuals in attendance at school-sponsored*
33 *athletic activities. Each school district that acquires an AED*
34 *pursuant to this subdivision shall ensure that one AED is available*
35 *at each schoolsite for school-sponsored athletic activities that*
36 *occur at the schoolsite. Without regard to the number of athletic*
37 *activities that occur at each schoolsite, only one AED shall be*
38 *required at each schoolsite.*

39 (2) *In order to ensure public safety, a school district that*
40 *acquires an AED pursuant to this subdivision is not liable for any*

1 *civil damages resulting from any acts or omissions in the rendering*
2 *of emergency care under subdivision (b) of Section 1714.21 of the*
3 *Civil Code if that school district has complied with subdivision*
4 *(b) of Section 1797.196 of the Health and Safety Code.*

5 *(3) An employee of a school district, who in good faith renders*
6 *emergency care or treatment at the scene of an emergency by the*
7 *use of an AED acquired pursuant to this subdivision, is not liable*
8 *for any civil damages resulting from any acts or omissions in*
9 *rendering the emergency care. This protection does not apply in*
10 *any case of personal injury or wrongful death that results from*
11 *the gross negligence or willful or wanton misconduct of any*
12 *employee of a school district who renders emergency care or*
13 *treatment by the use of an AED.*